

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LYNNE VAUGHN,

Plaintiff,

-against-

M&T BANK CORPORATION, et al.,

Defendants.

ORDER

19-CV-00612 (PMH)

PHILIP M. HALPERN, United States District Judge:

Counsel for Plaintiff Lynne Vaughn (“Plaintiff”) and counsel for Defendants M&T Bank Corporation, Arthur Murphy, Noel Carroll, Shellie Picone, Nicole Krajna, and Maria Monroy (collectively, “Defendants”) appeared for oral argument today. Argument was held on the record. For the reasons stated on the record and the law cited therein, the Court directs as follows:

1. Pursuant to the parties’ stipulation, “Manufacturers and Traders Trust Company” is substituted for Defendant M&T Bank Corporation and the caption is amended accordingly pursuant to Federal Rule of Civil Procedure 15(a)(2);
2. Pursuant to the parties’ stipulation, Defendant Picone is dismissed with prejudice under Federal Rule of Civil Procedure 41(a)(2);
3. Plaintiff’s second and fifth claims for relief (*i.e.*, those for age discrimination) are dismissed with prejudice;
4. Plaintiff’s first claim for relief (*i.e.*, Title VII) is dismissed with prejudice to the extent it relies on a theory of hostile work environment, as that theory was not exhausted administratively before the EEOC;
5. Defendants Krajna and Monroy are dismissed with prejudice for lack of personal involvement; and

6. Plaintiffs' claims for race and color discrimination under Title VII, as well as her claims for hostile work environment and race and color discrimination under 42 U.S.C. § 1981 and New York State Human Rights Law will proceed to trial. (*See* Transcript.)

In light of the conclusions summarized herein, the Clerk of the Court is respectfully directed to terminate the motion sequence pending at Doc. 48, terminate Defendants Picone, Krajna, and Monroy from this action, and amend the caption of this proceeding to replace "M&T Bank Corporation" with "Manufacturers and Traders Trust Company."

SO ORDERED:

Dated: White Plains, New York
May 11, 2021



PHILIP M. HALPERN
United States District Judge